

## **MINUTES**

### **UTAH CONSTRUCTION SERVICES COMMISSION MEETING**

**November 26, 2008**

**Room 474 Fourth Floor– 9:00 AM  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED: 9:00 AM**

**ADJOURNED: 11:00 AM**

**Bureau Manager:**

Dan S. Jones

**Board Secretary:**

Ann Naegelin

**Board Members Present:**

Bradley Stevens, Commission Chairman and  
Electrician Board Chairman  
Steve Bowers  
Larry Love, Burglar Alarm Board Chairman  
David Told, Plumbers Board Chairman  
Carl Tippets  
John Wilcox

**Board Members Absent:**

Joel Jolley, excused  
Jerry Preston

**Guests:**

Aleta Fairbanks, Utah Masonry Council  
Jenna Williams, Utah Contractor Center  
John P. West, Awestco Flooring  
Tonga L. Tauteoli, Tonsel Development  
Tasman Beisinger, Utah Home Builders Association

**DOPL Staff Present:**

F. David Stanley, Division Director  
Ross Ford, Associate Director  
W. Ray Walker, Regulatory and Compliance Officer  
Dennis Meservy, Bureau Manager

#### **TOPICS FOR DISCUSSION**

#### **DECISIONS AND RECOMMENDATIONS**

#### **ADMINISTRATIVE BUSINESS:**

Minutes

The minutes from the October 29, 2008 meeting were reviewed. Mr. Love made a motion to approve the minutes as written. Mr. Bowers seconded the motion.

Motion passed by unanimous vote.

**REVIEW PROPOSED DISCIPLINARY  
ACTIONS:**

C & M Funk Construction Inc

C & M Funk has not agreed to the proposed MOU. This item will be reviewed at a later date.

Tonga L Tauteoli

Mr. Jones gave a brief explanation of the proposed Memorandum of Understanding and the circumstances involved. Mr. Love made a motion to approve a restricted 60 day license as proposed. Mr. Told seconded the motion. Motion was approved by unanimous vote.

Franz Ostmann, dba Ostmann Corporation

Mr. Jones gave a brief explanation of the proposed Stipulation and Order. The Stipulation proposes a \$500 fine and a Cease and Desist Order. Mr. Tippetts made a motion to accept the Stipulation and Order. Mr. Love seconded the motion. Motion passed by unanimous vote.

Awestco Flooring LLC

Mr. Jones gave a brief explanation of the proposed Memorandum of Understanding. Mr. Bowers made a motion to approve the MOU as written. Mr. Wilcox seconded the motion. Motion passed by unanimous vote.

**DISCUSSION ITEMS:**

Investigation Updates

Investigations statistics were reviewed. Dan T. Jones will present a report at the next meeting.

PSI Scorecard

Reviewed with no action taken.

Continuing Education Registry MOU

Mr. Jones explained some proposed refinements to the Continuing Education Registry. The CE Registry will keep a data base of attendees at the courses. This information could potentially be imported into DOPL licensing records. A penalty will be added for approving programs that do not meet the requirements and for not providing a database of attendees.

Utah Masonry Council and Associated Builders and Contractors of Utah have submitted for CE Registry approval.

Tasman Biesinger, UHBA, indicated the CE Registry is a way to allow the associations to help the Division determine whether licensees are completing the required continued education. He would like to limit the CE Registries to AGC and UHBA. Other providers would need to apply to one of the two associations for approval. Mr. Love asked if there would be a charge for approval of the courses. Mr. Biesinger indicated that there will a charge but it has not been determined.

Mr. Walker commented on the role of the CE Registry. If the role is to be an overseer, you do not want a lot of overseers. He is concerned to make certain there is not a conflict of interest or appears to be a conflict of interest.

Mr. Biesinger does not intend to disallow qualified courses. He understands that the CE Registries would be under the Commission and the Commission could take away the CE Registry ability.

Mr. Stanley explains he must significantly cut his budget. Continuing education information will be available on the AGC and UHBA websites. The fact that the Commission has oversight authority makes him very comfortable and it will help the Division make necessary budget cuts.

Mr. Ford explained that the CE Registry will not limit the number of providers. Membership in the association is not required to obtain approval for a course.

Mr. Jones indicated the contract with the CE Registry not only requires approval of the courses, it also requires the capability to download the information to the Division database. This will reduce DOPL costs as it will reduce the audit cost.

Mr. Ford and Mr. Jones will continue the discussion and prepare some language for distribution to the Commission. The Commission would like to continue this discussion.

**ADJOURN:**

**11:00 AM**

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

January 28, 2009  
Date Approved

(ss) Bradley Stevens  
Chairperson, Construction Services Commission

January 28, 2009  
Date Approved

(ss) Dan S. Jones  
Bureau Manager, Division of Occupational & Professional  
Licensing